

Message

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Sent: 5/6/2015 3:57:32 PM
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Subject: COMPLAINT--FIVE YEAR REVIEW--BUTTE, MONTANA SUPERFUND SITES
Attachments: Five Year Review Issues.docx

Flag: Follow up

Currently, the Montana Office of EPA is conducting the mandated Five Year Review of Butte Area Superfund sites. ***My concern is that the Montana Office of EPA is conducting only a superficial Five Year Review contrary to EPA policy regarding Five Year Reviews and contrary to EPA's stated mandate to promote meaningful public involvement in agency activities and contrary to EPA's environmental justice mandate.*** When the current Five Year Review was announced, EPA said that it would be more of a cursory review than the last Five Year Review (I find no authorization in EPA documents for "cursory" reviews). Additional proof of this lax approach to the current Five Year Review was found in an article in today's *Montana Standard*, the local Butte paper.

In this article entitled "Feedback wanted on Superfund work so far," EPA project manager Nikia Greene stated that in the last Five Year Review EPA "did respond to everything" and "Green said that EPA addressed the questions and comments in the section of the Five-Year Review Report, which is available on-line." He was referring to the last Five Year Review. His comment was in response to comments by the CTEC (Citizens Technical Environmental Committee, EPA TAG group) President Dave Williams that CTEC ***still had*** "lingering questions even now." As shown by his statement above, Greene obviously dismissed these concerns as having been answered five years ago. It is also interesting that five years ago, 100 local citizens were interviewed and this year only 10 will be interviewed. Also, CTEC is sponsoring the only public meeting on the current Five Year Review in order to garner citizen comments but, at last I heard, EPA was not coming.

Greene also stated in the article referring to the current Five Year Review: "If there's an area where the cap is being torn up, I want to know that so we can fix it." This was his characterization of what the Five Year Review process is all about from his perspective. Unfortunately, this too shows a narrow and limited perspective on what the Five Year Review should encompass. While reporting specific problems is praiseworthy, Five Year Reviews are about much more than that. Five Year Reviews are supposed to consider the overall effectiveness of the selected remedies and not just specific implementation or institutional controls problems. Citizens are asking for, among other things, ROD modification which is hardly just a problem with one cap.

My point is that the above shows:

1. The Montana Office of EPA is not serious about this current Five Year Review. The Montana Office in effect says: The remedies were working five years ago, nothing has changed in our approach, and so,

de facto, they are working now. Specious reasoning indeed. Citizens have serious concerns now about the protectiveness of the remedies that EPA is implementing. Those current concerns should be addressed in the current Five Year Review. If the Montana Office of EPA's reasoning was followed, why do any more than one Five Year Review? This approach is contrary to EPA policy.

2. The Montana Office does not value citizen input. It wants to rush through the Five Year Review as quickly as possible with a minimum of citizen input. This approach is also contrary to EPA's well stated community involvement policy.
3. Environmental justice issues are being ignored. The Butte neighborhoods that are part of Superfund operable units in Butte have higher than average rates of poverty. Yet, no effort is being made by the Montana Office of EPA to reach out to Butte's low income community.

I have **attached** a lengthy document expressing the concerns that I have NOW about the implementation and protectiveness of current EPA remedies in Butte.

Dr. John W. Ray

Butte, Montana